

## REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on September 27, 2005. Claims 1-2 and 4-19 are pending in this application. Claim 3 was previously canceled. In the Office Action, the specification is objected to, Claims 1-2 and 4-19 are rejected under 35 U.S.C. §112, first paragraph and Claims 1, 4-6, 8-9 and 11-14 are rejected under 35 U.S.C. §102(e). In response Claims 1 and 18 have been amended. This amendment does not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, the specification is objected to. In response, the specification has been amended to address the informalities cited by the Patent Office. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

In the Office Action, Claims 1-2 and 4-19 are rejected under 35 U.S.C. §112, first paragraph, as allegedly not being enabling for a method of enhancing an immune response by administering a prebiotic to prevent or treat measles before a measles vaccination or for a prebiotic to prevent or treat the measles alone or in combination with a probiotic. In response, Claim 1 has been amended to recite, in part, a method of enhancing an immune response to measles after a measles vaccine which comprises administering at least one prebiotic or nutritional composition comprising at least one prebiotic to an individual that has received the measles vaccine. Claim 18 has been amended to recite, in part, a method for preventing measles by enhancing an immune response which comprises administering a first measles vaccine to a subject and administering at least one prebiotic or nutritional composition comprising at least one prebiotic to the subject. These amendments are fully supported in the specification, for example, at page 4, lines 27-31, and Example 1.

The Patent Office admits that the specification is enabling for a method of enhancing immune response to the measles virus after a measles vaccination by administering, for example, a prebiotic or nutritional composition containing same. See, Office Action, page 3. Based on at least these noted reasons, Applicants believe that Claims 1-2 and 4-19 fully comply with 35 U.S.C. §112, first paragraph. Accordingly, Applicants respectfully request that the rejection of Claims 1-2 and 4-19 under 35 U.S.C. §112 be withdrawn.

In the Office Action, Claims 1, 4-6, 8-9 and 11-14 are rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 5,895,648 to Vesely et al. ("*Vesely*"). Applicants believe this rejection is improper and respectfully traverse it for at least the reasons set forth below.

Independent Claim 1 recites, in part, a method of enhancing an immune response to measles after a measles vaccine which comprises administering at least one prebiotic or nutritional composition comprising at least one prebiotic to an individual that has received the measles vaccine. Applicants respectfully submit that *Vesely* fails to disclose or suggest all of the elements of the present claims.

In contrast to Claim 1, *Vesely* fails to disclose or suggest administering at least one prebiotic or nutritional composition comprising at least one prebiotic to an individual that has received a measles vaccine. For example, *Vesely* fails to even recognize any methods for enhancing an immune response to measles after a measles vaccine has been administered, offers no details about it and offers no experiments to show that that administering prebiotics enhances the immune response with respect to a measles vaccine as the Applicants have done. Consequently, one having ordinary skill in the art would not find *Vesely* to disclose or suggest these novel aspects of Applicants' present claims.

For the reasons discussed above, Applicants respectfully submit that Claim 1 and Claims 4-6, 8-9 and 11-14 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 4-6, 8-9 and 11-14 under 35 U.S.C. §102 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same..

Respectfully submitted,

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